



Ancillary Document Review Supplement
(This form must be filled out electronically.)

This form is to be used when reviewing interpretive and/or policy statement(s) in conjunction with the review of a rule.

Interpretive and/or policy statements are issued by the Department of Revenue under authority of RCW 34.05.230. These statements explain the Department's policy regarding how tax law applies to a specific issue or specific set of facts. These statements include documents such as Excise Tax Advisories (ETAs), Property Tax Advisories (PTAs), and Interim Audit Guidelines (IAGs).

All responses should be in **bold** format.

Interpretive or policy statement(s) being reviewed (provide number and title):
ETA 558.04.193 (Foreign Sales Corporations)

Date issued: **December 31, 1992**

Reviewer: **Diane Bren**

Date reviewed: **March 11, 2004**

This review is in conjunction with the review of the following rule(s) (provide WAC number(s) and title(s)): **WAC 458-20-193D (Transportation, communication, public utility activities, or other services in interstate or foreign commerce.)**

Briefly explain the subject matter of the document(s): **ETA 558 explains the B&O tax liability of a Foreign Sales Corporation (FSC). The ETA discusses the taxability of a Buy-Sell FSC and a Commission FSC.**

Type an "X" in the column that most correctly answers the question, and provide clear, concise, and complete explanations where needed.

YES	NO	
X		Is the document written and organized in a clear and concise manner?
	X	Are citations to other rules, laws, or other authority accurate? (If no, identify the incorrect citation below and provide the correct citation.)
X		Does the document provide information not currently in a rule, other interpretive or policy statement, or WTD?
	X	Is the document providing the result(s) that it was originally designed to achieve?

If the answer is "no" to any of the questions above, provide a brief explanation for that response.

The ETA is for corporations that qualify as FSCs under the Internal Revenue Code. The "FSC Repeal and Extraterritorial Income Exclusion Act of 2000" repealed the Foreign Sales Corporation Rules. Thus, this ETA is out-of-date.



Review Recommendation:

- X **Amend**
- Cancel** (Appropriate when action is not conditioned upon another rule-making action or issuance of an interpretive or policy statement.)
- Leave as is** (Appropriate even if the recommendation is to incorporate the current information into another rule.)

Briefly explain your recommendation:

The ETA is based on a section of the IRS code that has been repealed (being phased out).

Manager action: Date: April 30, 2004

 AL Reviewed and accepted recommendation